IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Bail Appl..No. 1071 of 2007()

CRIME NO. 179 OF 2006 OF THIRUVALLAM POLICE STATION

PETITIONER/ACCUSED:

UDAYARAJ, AGED 30 YEARS,
S/O.D. SASI, `DARHANA', KARIKKADAVU,
PACHALLOOR, THIRUVALLAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT & DEFACTO COMPLAINANT:

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1. STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE, THIRUVALLAM POLICE
STATION, THIRUVANANTHAPURAM DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

2. MANOJKUMAR, AGED 30 YEARS,
S/O.R. GOPINATHAN, TC.67/324-I,
THOPPADI MIDHULA HOUSE, PLANCHALLOOR DESOM,
THIRUVALLAM VILLAGE, THIRUVANANTHAPURAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE
ADV. SRI. SUMAN CHAKRAVARTHY FOR R2

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO. 1071 of 2007

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Dated, this the 28th day of February 2007

ORDER

Petitioner seeks anticipatory bail on the allegation that the Thiruvallam Police are at his heels in connection with Crime No. 179 of 2006 registered for offences punishable under Sections 324 and 307 I.P.C. at the instance of one Manojkumar who is arrayed as the 2nd respondent herein.

2. The learned counsel for the petitioner submitted that during the course of the investigation the 2nd respondent/de facto complainant had sent a notarised affidavit to the Investigating Officer wherein it is admitted that the petitioner had no role to pay in the occurrence forming part of Crime No. 179/06 of Thiruvallam Police Station.

3. Adv. Sri. Suman Chakavarthy, the learned counsel appearing for the 2nd respondent/de facto complainant admitted before me that the de facto complainant had filed an affidavit as alleged by the counsel for the petitioner and that as per the said affidavit the petitioner had no role to play in the occurrence in question. If so, it is needless to mention that the petitioner's

apprehension of arrest and harassment at the instance of Thiruvallam Police is unfounded.

4. The learned Public Prosecutor submitted that if the petitioner has sought deletion from the array of accused in the light of the affidavit submitted by the de facto complainant there would be no difficulty to delete the petitioner from the array of accused. If these are the state of affairs, there is no reason why the petitioner should apprehend his arrest or harassment by the police.

Recording the submission made on behalf of the de facto complainant and the Investigating Officer, this petition is closed.

V. RAMKUMAR,
(JUDGE)

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